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**Opening Statement of Rep. Bob Good (R-VA), Chairman  
Subcommittee on Health, Employment, Labor, and Pensions Hearing:  
“Protecting Employees’ Rights: Ensuring Fair Elections at the NLRB”  
May 23, 2023**

(As prepared for delivery)

The National Labor Relations Board was created by Congress to serve as a fair and neutral arbiter in resolving labor disputes between employers and employees. Sadly, the Biden administration has twisted it into a partisan attack dog for Big Labor interests.

It wasn’t supposed to be like this. In 1935, Congress passed the *National Labor Relations Act* to protect against unfair labor practices that existed at the time and supervise fair union elections. It created the NLRB with a clear purpose in mind:

First, to be strictly non-partisan, consisting of three impartial government members.

Second, to be a quasi-judicial body, meaning it would base its rulings on formal records in administrative proceedings and case law.

Third and finally, to act as an independent federal agency.

However, this is not how the Biden NLRB functions today.

The Biden administration started its historical politicization of the agency when it fired Trump-nominated and Senate-confirmed General Counsel Peter Robb. No General Counsel had ever been fired in the 70-year history of the position until Biden came along.

Robb was then replaced by hyper-partisan Jennifer Abruzzo, whose nomination forced a tie-breaking vote in the Senate. This for a position that in years past was filled by neutral government employees. Abruzzo’s roots as a union lawyer are in direct contrast to the agency’s tradition. And as you would expect, Abruzzo has continued the weaponization of the NLRB.

In an April 2022 memorandum, Abruzzo urged the Board to overturn a long-standing precedent regarding employer free speech. The precedent upholds an employer's right to hold meetings and educate workers on unionization—speech which is protected by the First Amendment and the plain text of the law. She argued that employer education was actually 'license to coerce.'

Typical of left-wing activists, the NLRB did not want to allow workers to hear multiple perspectives and make their own informed decisions.

Abruzzo also filed a brief challenging the secret-ballot process. She argued that signed authorization cards would be sufficient to qualify a union as the exclusive employee representative without giving employees the opportunity to actually vote. Card check is not a substitute for the electoral process, and the history of authorization cards is ripe with abuse from union organizers.

Although private union membership has fallen to the lowest level since 1983, Abruzzo and the NLRB habitually overstate unionization movements to gin up mass interest with their complicit media allies. For example, this administration would have you believe every Starbucks in America is unionized when only 304 of over 9,000 stores currently are—or about 3 percent. Not only have a limited number of Starbucks stores unionized, but employees have already begun to reconsider their decision to join a union and filed petitions to remove Workers United in several Starbucks stores.

All told, this administration's actions flip on its head the D.C. Circuit Court of Appeals' declaration that "the employees pick the union; the union does not pick the employees." The NLRA guarantees people the right to organize, but it stops there. It doesn't coerce people into organizing.

Fundamentally, the NLRB's mass union drive is centered on the question of choice. Do employers have a choice in what they can say to their employees? Do employees have the option not to join a union?

Americans want options. We want to choose our physicians, our schools, and our employment relations. Polling suggests that an overwhelming majority of union households support having more freedom to join or not join. And 67 percent support the choice to resolve questions concerning union representation by secret ballot election.

Small businesses have been hit hard the last several years, thanks to the Biden shutdown of the economy over the China Virus, crippling small businesses across Virginia's 5th Congressional District and the country. The last thing American businesses need right now is for unelected bureaucrats to undermine their efforts to survive.

We are here today to discuss several important pieces of legislation. My *Small Businesses Before Bureaucrats Act* supports small business owners over anti-choice NLRB bureaucrats. It does this by updating the jurisdictional limits that govern when the NLRB can intervene in a business' affairs. Another key reform is the *Employee Rights Act*, introduced by Rep. Allen, which gives employees more control over their personal data, guarantees their right to vote by secret ballot, and empowers them to decide how they spend their hard-earned paychecks.

I look forward to discussing my legislation, Rep. Allen's legislation, and other policy solutions with our expert witnesses today. Hopefully we can reach a consensus on reversing the NLRB's disastrous political turn and protecting Americans' right to earn a living as they see fit.